

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
Vs.	§	CRIM. ACTION NO. 6:13CR3
ARMANDO LAGUNAS OCAMPO	§	

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On April 14, 2014, the Court referred Carla Ocampo's Petition Claiming an Interest in Property (docket no. 38) for a hearing and proposed findings of fact and recommendations as to its disposition. On October 20, 2014, the parties filed a Motion to Adopt Stipulation and Settlement Agreement (docket no. 61). The motion should be **GRANTED** and the petition should be **DISMISSED**.

Defendant Armando Lagunas Ocampo entered a plea of guilty in this case on September 25, 2013. Defendant pled guilty to Count 1 of an Information pursuant to a FED. R. CRIM. P. 11(c)(1)(C) plea agreement. Count 1 of the Information charges Defendant with Conspiracy to Possess with Intent to Distribute More than 100 Kilograms but less than 400 Kilograms of a Mixture or Substance Containing a Detectable Amount of Methamphetamine. The plea agreement includes a forfeiture provision for Defendant to forfeit real property.

Carla Ocampo, the former spouse of Defendant, filed a Petition Claiming an Interest in Property (docket no. 38), asserting an interest in the following three properties subject to forfeiture:

1. 2412 West Erwin Street, Tyler, Texas
2. 7761 County Road 428, Tyler, Texas
3. 102 East Broadway Street, Big Sandy, Texas

In their Motion to Adopt Stipulation and Settlement Agreement (docket no. 61), the parties state that they have reached an agreement concerning Carla Ocampo's claim to the properties. Specifically, the parties agree that Carla Ocampo will pay the United States the sum of \$25,000.00, paid on behalf of Defendant, in full settlement and satisfaction of any and all claims Carla Ocampo may have to the above-described properties. The parties resolved the issues in dispute and the petition should be dismissed.

RECOMMENDATION

It is therefore **RECOMMENDED** that the Motion to Adopt Stipulation and Settlement Agreement (docket no. 61) be **GRANTED** and that the Petition Claiming an Interest in Property (docket no. 38) be **DISMISSED**.

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b).

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen days after service shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Assn.*, 79 F.3d 1415, 1430 (5th Cir.1996) (en banc), *superseded by statute on*

other grounds, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

So ORDERED and SIGNED this 28th day of October, 2014.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE